

REMARKS

Applicants request favorable reconsideration and allowance of the above-identified application.

Claims 21-28 are now pending in this application, with Claims 21 and 24 being independent. By this Amendment, Applicants have canceled Claims 1-14 and amended Claims 21 and 24.

Claims 1-14 and 21-28 stand rejected under 35 U.S.C. § 103 over U.S. Patent No. 5,496,616 (Harris) in view of U.S. Patent No. 4,247,190 (Hashimoto, et al.). Applicants traverse this rejection.

As recited in independent Claims 21 and 24, Applicants' invention is generally directed to a diffractive optical element characterized by a diffraction grating portion which includes first and second diffracting gratings. The first diffraction grating and a first alignment pattern are formed of a resin, on a first glass substrate, by molding. The second diffraction grating and a second alignment pattern are integrally formed of a resin, on a second glass substrate, by molding. Further, the first and second diffraction gratings are accumulated so that the first alignment pattern engages the second alignment pattern.

Harris describes the use of two binary diffractive elements, which are separated from each other across an air space. The Office Action acknowledges that this patent does not describe that the two substrates of the diffractive elements engage each other to assure alignment. The Office Action cites Hashimoto, et al. to describe alignment markings for aligning two optical elements. In that patent, pin c engage holes c' to align

two optical elements. Hashimoto, et al., however, does not describe that pin c and a diffraction grating are integrally formed of a resin by molding.

Accordingly, Applicants submit that Harris and Hashimoto, et al., taken alone or in combination, fail to disclose or suggest at least the features of a first diffraction grating and a first alignment pattern being integrally formed of a resin, on a first glass substrate, by molding, and a second diffraction grating and a second alignment pattern being integrally formed of a resin, on a second glass substrate, by molding, as generally recited in independent Claims 21 and 24.

Claims 1-14 and 21-28 also stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-8 of copending Application No. 09/871,630, and over Claims 1-10 and 13-15 of copending Application No. 09/411,632.

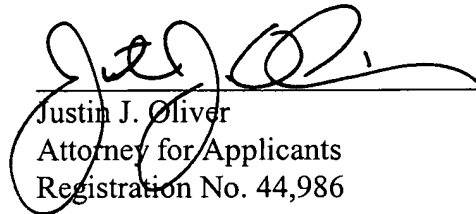
Applicants submit that the above changes to independent Claims 21 and 24 distinguish those claims from the cited claims of copending Application Nos. 09/871,630 and 09/411,632.

The remaining claims in the present application are dependent claims which depend from the independent claims discussed above, and thus are patentable over the applied documents for reasons noted above with respect to those independent claims. In addition, each recite features of the invention still further distinguishing it from the applied documents. Applicants request favorable and independent consideration thereof.

For the foregoing reasons, Applicants submit that the claims are allowable over the cited documents, and request withdrawal of the outstanding rejections.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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